

SCOTTSDALE

CITY COUNCIL MEETING



*****AMENDED*** AGENDA** (EXECUTIVE SESSION ADDED;

CONSENT AGENDA: ITEM 30 REWORDED; ITEM 36
CONTINUED AND ITEMS 38A & 38B ADDED)

COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Wednesday, July 7, 2004

*****4:00 P.M.**

CITY COUNCIL SPECIAL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

1. Brief update on Confidential Tax Refund claims and Tax Protest(s) currently pending with the Municipal Tax Hearing Office. Contact: Joseph R. Bertoldo, City Attorney, 480-312-2405 jbortoldo@scottsdaleaz.gov; Sherry R. Scott, Assistant City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

2. MOTION TO RECESS INTO EXECUTIVE SESSION for:

Discussion with representatives of the Public Body and discussion and consultation with City attorneys for legal advice and to consider the City's position and instruct its representatives and attorneys regarding pending confidential tax refund claims and Municipal Tax Hearing Office Protest(s). A.R.S. 38-431.03 (A)(3) and -(A)(4). Contact: Joseph R. Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Sherry R. Scott, Assistant City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

Adjourn Special Meeting

***CITY COUNCIL EXECUTIVE SESSION

Following 4:00 P.M. City Council Special Meeting

Call to Order - City Hall Kiva Conference Room

Executive session for any of the purposes listed on the agenda for the City Council Special Meeting called for 4:00 P.M.

Adjourn

5:00 P.M.
CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Presentations/Information Updates

Scottsdale Training and Rehabilitation Services (S.T.A.R.S.) Proclamation

Pledge of Allegiance

Mr. Hal Riley

Invocation

Boards, Commissions and Task Forces

Airport Advisory Commission (1)

Building Advisory Board of Appeals (3)

Housing Board (1)

Human Services Commission (1)

Parks and Recreation Commission (1)

Scottsdale Pride Committee (2)

Transportation Commission (1)

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "public comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes

SPECIAL MEETINGS

[June 21, 2004](#)

REGULAR MEETINGS

[June 22, 2004](#)

EXECUTIVE SESSIONS

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a comment card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. [Blue Adobe Grille Liquor License](#)

Request: A new series 12 (restaurant) liquor license for a location that previously operated as Arizona Rib Company.

Location: 10885 N. Frank Lloyd Wright Boulevard

Reference: 33-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

2. [Chicago Pizza Works Liquor License](#)

Request: A new series 12 (restaurant) liquor license.

Location: 10115 E. Bell Road, Suite 101

Reference: 34-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

3. [Canton Dragon Chinese Restaurant Liquor License](#)

Request: A new series 12 (restaurant) liquor license for a new location that previously operated as Kyoto Bowl.

Location: 10190 N. 90th Street

Reference: 35-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

4. [Peter Piper Pizza Liquor License](#)

Request: A series 12 (restaurant) liquor license for a location that previously operated as Its Your Shot Grill.

Location: 9375 E. Bell Road

Reference: 36-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

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5. **Patsy Grimaldi's Pizzeria Liquor License**
Request: A new series 12 (restaurant) liquor license for a location that is in the planning stages.
Location: 20715 N. Pima Road, Suite 115
Reference: 37-LL-2004
Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov
6. **Pizza 66 Liquor License**
Request: A series 12 (restaurant) liquor license for a location that was previously Nikos Mediterranean Cuisine. It is currently operating without a liquor license.
Location: 10155 E. Via Linda, Suite G138
Reference: 38-LL-2004
Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov
7. **AJ's 63 Liquor License**
Request: A person and location transfer of a series 7 (beer and wine bar) liquor license to an existing store.
Location: 7141 E. Lincoln Drive
Reference: 39-LL-2004
Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov
8. **Legend Trail Golf Course Liquor License**
Request: A person transfer of a series 6 (bar) liquor license to an existing golf course currently operating with an interim permit.
Location: 9462 E. Legendary Lane
Reference: 40-LL-2004
Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov
9. **Scottsdale Athletic Club Liquor License**
Request: A location transfer of a series 7 (beer and wine bar) liquor license to an existing athletic club currently operating with a series 12 (restaurant) liquor license.
Location: 8225 E. Indian Bend Road
Reference: 41-LL-2004
Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

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10. [Cantina Laredo Liquor License](#)

Request: A new series 12 (restaurant) liquor license for an establishment that previously operated as Cabo Seafood de Mexico.

Location: 7361 E. Frank Lloyd Wright Boulevard, #7

Reference: 44-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

11. [Clinton Street Right-of-Way Abandonment](#)

Requests:

1. Abandon 390+/- feet of right-of-way for Clinton Street east of 85th Place.
2. Reserve a public utility easement over, under, and across the abandoned right-of-way.
3. Reserve an emergency and service vehicle access easement over and across the north half of the abandoned right-of-way.
4. Adopt Resolution No. 6508 vacating and abandoning a portion of right-of-way and roadway easement.

Location: Clinton Street east of 85th Place

Reference: 6-AB-2004

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov; Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@scottsdaleaz.gov

12. [Terassina Final Plat](#)

Request: Approve a final plat for 15 residential lots with amended development standards on a 15.92+/- acre parcel.

Location: Northeast corner of 132nd Street and Via Linda.

Reference: 8-PP-2002#2

Staff Contacts: Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Kira Wauwie, Project Coordination Manager, 480-312-7061, kwauwie@scottsdaleaz.gov

13. [Ironwood Square \(Mountain View Park\) Replat](#)

Request: Approve a Replat for Lots 1 and 2.

Location: Northwest corner of 96th Street and Mountain View

Reference: 25-PP-2002#2

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Greg Williams, Senior Planner, 480-312-4205, gwilliams@scottsdaleaz.gov

14. [DC Ranch Parcel 6.7 Final Plat](#)

Request: Approve a final plat for 33 residential lots on a 103+/- acre parcel on DC Ranch Parcel 6.7.

Location: Northeast corner of E. Saguaro Canyon Trail and E. Windgate Pass Drive

Reference: 17-PP-2003

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@scottsdaleaz.gov

15. Canyon V @ DC Ranch - Parcel 5.12 Final Plat

Requests:

1. Approve a final plat for 19 residential lots on a 19.2+/- acre at DC Ranch Parcel 5.12.
2. Approve Resolution No. 6522, authorizing the Mayor to execute the Restatement and Amendment of Dedication Agreement No. 2002-008A-COS with DC Ranch (DC Ranch Desert Park) regarding property located east of the proposed Thompson Peak Parkway alignment in DC Ranch.

Location: DC Ranch Planning Unit V - Parcel 5.12

Reference: 22-PP-2003

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@scottsdaleaz.gov; Donna Bronski, Deputy City Attorney, 480-312-2405, dbronski@scottsdaleaz.gov

16. Mark Kia Auto Showroom and Service Center Conditional Use Permit

Request: Amend an existing conditional use permit for automobile sales, repair and display on approximately 6-acre parcel located at 1126 N. Scottsdale Rd with Highway Commercial District (C-3) zoning.

Location: 1126 N. Scottsdale Road

Reference: 10-UP-2004

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Al Ward, Senior Planner, 480-312-7067, award@scottsdaleaz.gov

17. Final Ordinance Adoption for 7047 E. Earll Drive

Request: To consider adopting Ordinance No. 3580 affirming the zoning classification as approved in case 58-PZ-64 for the property located at 7047 E. Earll Drive.

Location: 7047 E. Earll Drive

Reference: 58-PZ-64 and 58-ZN-1964#2

Staff Contacts: Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Suzanne Colver, Senior Planner, 480-312-7087, scolver@scottsdaleaz.gov

18. Amendment to Lund Vehicle Demonstration Trail Lease Agreement

Request: Approve minor amendments to the Lease Agreement No. 2003-098-COS to reflect Site Plan refinements at the Lund dealership.

Key Items for Consideration:

- As the site plan details for the Lund dealership have evolved, there was a need to update the lease agreement in order to reflect the refinements in the site plan.

Location: Northeast corner of Scottsdale Road and Union Hills Road

Related Policies, References: 20-ZN-2002 (Stacked 40s)

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Donald Hadder, Sr.; Principal Planner, 480-312-2352, dhadder@scottsdaleaz.gov; David Roderique, General Manager, Economic Vitality, 480-312-7601, droderique@scottsdaleaz.gov

19. Acceptance of the Arizona State Library 2004 LSTA Born to Read Grant

Request: Authorize the Community Service Library Department to accept the Arizona State Library 2004 LSTA grant for \$24,500. The Scottsdale libraries will use the grant in cooperation with the Scottsdale Healthcare and the Human Services Department to establish a Born to Read program. The FY 2004/05 Grants budget includes expenditure budget authorization for this grant.

Staff Contact(s): Rita Hamilton, Library Director, 480-312-7039, rhamilton@scottsdaleaz.gov; Sharyn Pennington, Budget/Operations Coordinator, 480-312-7086, shap@scottsdaleaz.gov

20. Purchase of new Integrated Library System

Request: Authorize and approve Contract No. 2004-092-COS with Innovative Interfaces Incorporated for a new Integrated Library System. This contract includes the purchase of computer hardware, software, and related maintenance services.

Staff Contact(s): Rita Hamilton, Library Director, 480-312-7039, rhamilton@scottsdaleaz.gov; Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov; Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov

21. Engineering Services Contract for the Preliminary Design of Center Drive and for the North Freeway Access Road

Request: Authorize Engineering Services Contract No. 2004-098-COS with Wood, Patel & Associates, Inc., in an amount not to exceed \$245,198 for the preliminary design of roadway and drainage improvements for Center Drive between Hayden Road and Pima Road and for the North Freeway Access Road (frontage road) between the Hayden Road and Pima Road traffic interchanges of the Loop 101 Freeway. These roadways are within the traffic circulation area of the Stacked 40s development and the Arizona State Land Department's holdings known as Crossroads East. This is the second of two contracts presented to City Council for consideration for roadways in this area. Due to the need to complete final plans as soon as possible for the roadway segments west of Hayden Road, Contract 2004-015-COS for final design services west of Hayden Road was prepared separately and approved by City Council on February 17, 2004.

Related Policies, References:

- Streets Master Plan, 2003
- Northeast Pima Freeway Corridor Roadway Network Alternatives Analysis, Report for City of Scottsdale, 2003
- Maricopa Association of Governments' Regional Transportation Plan, 2003

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov; Dave Meinhart, Interim Director, Transportation Master Planning, 480-312-7110, dmeinhart@scottsdaleaz.gov

22. Authorize Intergovernmental Agreement (IGA) for the Acceptance of an Arizona Department of Transportation (ADOT) Grant for a Pavement Preservation Project at Scottsdale Airport

Request: Adopt Resolution No. 6500, authorizing IGA No. 2004-096-COS between ADOT-Aeronautics and the City of Scottsdale for the purpose of conducting pavement preservation work at the Scottsdale Airport. The project is expected to cost \$1,032,480. Grant funds are available for 90% of the project cost (approximately \$929,232) from an Airport Development Grant from ADOT – Aeronautics. The 10% match (approximately \$103,248) will be funded by Aviation Enterprise funds. ADOT – Aeronautics will contract for and administer the project. The 10% project match was included in the approved FY 2004/05 Airport Capital Improvement Program budget.

Staff Contact(s): Mary O'Connor, General Manager, Transportation, 480-312-2334, moconnor@scottsdaleaz.gov; Scott T. Gray, Aviation Director, 480-312-7735, sgray@scottsdaleaz.gov

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23. **Sister Cities contract for Scottsdale's partnership with our four designated Sister Cities**
Request: Authorize Contract No. 2004-042-COS, for \$10,000 in FY 2004 –05 and \$10,000 in FY 2005-06, with the Scottsdale Sister Cities Association, Inc. to promote the City of Scottsdale and the Scottsdale Sister Cities Association Inc., to strengthen municipal partnerships between Scottsdale and our designated Sister Cities, and to advance cultural and educational exchanges.
Related Policies, References: The Scottsdale Sister Cities Association (SSCA) and the City of Scottsdale agreed upon contract #02SS015, a similar contract, on November 15, 2001, per City Council direction. Contract #02SS015 expired on November 14, 2002. Scottsdale Revised Code Section 2-189 (Sole Source Contracts) and related rules.
Staff Contact(s): Steve Olson, Intergovernmental Relations Director, 480-312-2423, solson@scottsdaleaz.gov
24. **Papago Salado Association Contract for Scottsdale's Partnership in the Association**
Request: Authorize Contract No. 2004-103-COS, for \$25,000 beginning in FY 2004-05, with the Papago Salado Association (PSA), Inc. to promote the Papago Salado region's destination and cultural heritage, to assist Scottsdale with coordinating Papago Salado improvement and enhancement projects with SRP and cities of Phoenix and Tempe, to identify and apply for grant funding and to involve citizens in various Papago Salado programs.
Staff Contact(s): Robert J. Cafarella, Preservation Director, 480-312-2577, rcafarella@scottsdaleaz.gov
25. **Parking Enforcement Hardware and Software**
Request: Approve Contract No. 2004-109-COS with T2 Systems, Inc., Integrated Parking Management System, for the purchase of parking enforcement hardware (handheld PDAs) and associated software needed to enhance the downtown-parking program and improve collection of parking fines.
Related Policies, References: Reference City of Scottsdale Ordinance Section 17- 115 and 17-116, Parking Time Limits.
Staff Contact(s): Jacob Beard, Finance Technology Manager, 480-312-7018, jbeard@scottsdaleaz.gov; Madeline Clemann, Planning Manager, Downtown Group, 480-312-2732, mclemann@scottsdaleaz.gov
26. **Professional Services Contract for Marketing Services for the Enhanced Municipal Services District**
Requests:
 1. Ratify 60-day notice of termination of Marketing and Promotional Services Contract with Cramer-Krasselt and Terminate Contract No. 2002-111-COS.
 2. Approve Contract No. 2004-107-COS with Olson Communications, Inc.
 3. Authorize Resolution No. 6515 and Professional Services Contract No. 2004-107-COS with Olson Communications, Inc. in the amount of \$500,000 for the marketing and promotion of Downtown's Specialty Districts.**Staff Contact(s):** John Little, Executive Director, 480-312-2539, jlittle@scottsdaleaz.gov; Michelle Korf, Deputy Director, 480-312-2638, [mkorf@scottsdaleaz.gov](mailto:mkorb@scottsdaleaz.gov)

27. Authorize the Arts District Group's to enter into a Contract to Construct an Underground Parking Facility and Other Improvements for the Loloma Project

Request: Approve the Arts District Group's (The Loloma/Main Street Developer) entering into a construction contract with the Weitz Company to construct an underground parking facility and other improvements for the Loloma/Main Street Project. The Loloma Redevelopment Project is now being referred to as the Main Street Project.

Related Policies, References:

- Council confirmed on November 17, 2003 Contract No. 2003-003-COS between The Weitz Company and the Arts District Group for Pre-Construction Services for Phase I Loloma Redevelopment Agreement improvements.
- Council confirmed on November 17, 2003 Amendment No. 1 to Contract No. 2003-002-COS between Arts District Group, L.L.C., and DFD Cornoyer Hedrick Architects for additional design services for Loloma Redevelopment improvements.
- Council authorized amendments to Loloma Redevelopment Agreement No. 2002-024-COS on November 17, 2003.
- Development Review Board approved Case #33-DR-03 for Loloma Redevelopment improvements on June 19, 2003.
- Zoning Case #2-ZN-00 and 7-UP-00.
- Council confirmed on March 17, 2003 Contract No. 2003-002-COS between DFD Cornoyer Hederick (Project Architect) and the Arts District Group for design of the Public Underground Parking Facility at Loloma.
- Council adopted Resolution No. 6027 on March 11, 2002, approving Loloma Redevelopment Agreement No. 2002-024-COS.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Corey E. Lew, Project Manager, 480-312-7769, clew@scottsdaleaz.gov

28. Building Lease for the City's Downtown Group Office

Request: Adopt Resolution No. 6503 authorizing Agreement No. 2004-097-COS with Scott McWhorter and Michael Green to lease office space at 4248 North Craftsman Court in Scottsdale to be used as the City's Downtown Group Offices.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Stanley F. Seigal, Asset Management Coordinator, 480-312-7042, sseigal@scottsdaleaz.gov; Robin Rodgers, Asset Management Specialist, 480-312-2522, rrodgers@scottsdaleaz.gov

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29. [APS Franchise Renewal Election](#)

Request: Consider approval of Resolution No. 6521 declaring the proposed APS Franchise Agreement No. 2004-118-COS beneficial to the City, submitting the question to the voters at the November 2, 2004 election, estimating the cost of the election to be paid by APS, approving ballot language, approving publication of the proposed APS Franchise Agreement, and approving the voting system for the election.

Related Policies, References:

- Constitution of Arizona, Article 13, Section 4, requiring municipal franchises to be submitted to the voters, and providing for a 25-year term.
- Arizona Revised Statutes 9-502, submitting franchises to voters.
- Arizona Revised Statutes 40-209, allowing cities to charge franchise fees.
- City of Scottsdale Charter, Article 12, Section 1, prescribing conditions for granting public utility franchises.

Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov; Lee Guillory, Finance Manager, 480-312-7084, lguillory@scottsdaleaz.gov; Joseph R. Bertoldo, City Attorney, 480-312-2478, jbortoldo@scottsdaleaz.gov; Sherry Scott, Assistant City Attorney, 480-312-7816, sscott@scottsdaleaz.gov

***30. [Settlement of City of Scottsdale v. GF Pinnacle Peak Associates LLC et al.. a Preserve Condemnation Case](#)

Request: Adopt Resolution No.6525 and authorize the City Attorney to settle *City of Scottsdale v. GF Pinnacle Peak Associates LLC et al*, Superior Court case number CV2003-000636, an eminent domain action brought to acquire real property for McDowell Sonoran Preserve.

Related Policies, References: Resolution No. 6074, which authorized the condemnation of the 80.7 (+/-) acre parcel for the McDowell Sonoran Preserve.

Staff Contact(s): Joseph R. Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2659, bwashburn@scottsdaleaz.gov; Robert Cafarella, Preservation Director, 480-312-7013, rcafarella@scottsdaleaz.gov

31. [Consulting Services for Electronic Document Management Software](#)

Request: Approve Contract No. 2004-117-COS for consulting services with Justice Served regarding the selection and use of Electronic Document Management software.

Staff Contact(s): Janet Cornell, Court Administrator, 480-312-2775, jcornell@scottsdaleaz.gov; Cathy Nemecek, Deputy Court Administrator, 480-312-2444, cnemecek@scottsdaleaz.gov

32. [Award contract for WestWorld Tent Rental Agreement](#)

Request: Authorize award of contract for a tent rental agreement with Craig Jackson Investments, sole bidder to RFP 04RP023.

Related Policies, References:

- TPC/WestWorld/Stadium Oversight Committee approval and recommendation at their Jan. 15, 2004 meeting.
- RFP #04RP023
- Contract Folder Number: 2004-111-COS

Staff Contact(s): Brad Gessner, WestWorld General Manager, 480-312-6825, bgessner@scottsdaleaz.gov; Barbara Burns, Asst. City Manager, 480-312-2599, bburns@scottsdaleaz.gov

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33. Construction Bid Award for Hidden Hills Trailhead Access Area to the McDowell Sonoran Preserve

Requests:

1. Authorize Construction Bid Award No. 04PB119 to Bunney's Inc., the lowest responsive bidder, for construction of two trailheads along Via Linda near the 144th Street alignment, at their total unit price bid of \$596,595.
2. Authorize the transfer of budget appropriation in the amount of \$415,000 from the Trail Development/Acquisition capital improvement project (P9035) to the Hidden Hills Trailhead Amenities capital improvement project (P0305). \$189,851 of the appropriation transfer will be funded by Arizona State Park Trails Heritage Fund grant. The grant was accepted by City Council on March 18, 2002 (Resolution No. 6028) for the purpose of developing the Hidden Hills Trailhead sites and the Sunrise Trail.

Related Policies, References:

- The McDowell Sonoran Preserve Access Areas Report was approved by the McDowell Sonoran Preserve Commission and accepted by the City Council in 1994 and updated in 1999.
- The Conceptual Preserve Trails Plan was approved by the McDowell Sonoran Preserve Commission and accepted by the City Council in 1998.
- The Trails Master Plan provides guidance for the location and character of unpaved trails throughout the community outside of the McDowell Sonoran Preserve. The McDowell Sonoran Preserve Access Area Design and Site Standards Manual is the basis for preparation of the construction plans for access area amenities, and was used to guide the feel, character and materials.
- The Preserve Ordinance approved by City Council in May 2000, establishes general rules and regulations for activities in and use of the McDowell Sonoran Preserve. Provisions of this ordinance will manage public use of access areas and of trails traversing the Preserve.
- On June 16, 2003, Council authorized Engineering Services Contract No. 2003-099-COS with Dibble & Associates for \$77,900 for the preparation of construction plans for the Hidden Hills Trailhead Access Area.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Bill Peifer, Sr. Project Manager, 480-312-2399 bpeifer@scottsdaleaz.gov; Robert Cafarella, AICP, Director of Preservation, 480-312-2577 rcafarella@scottsdaleaz.gov

34. Construction Bid Award for Roadway Capacity (RCI) and Traffic Calming Improvements

Request: Authorize construction bid award No. 04PB124 to the lowest responsive bidder at their unit price bid for construction of three Roadway Capacity Improvements and Traffic Calming Improvements at seven separate locations.

- The three RCI locations were identified and prioritized as part of the Roadway Capacity Improvements Program (formerly the Traffic Bottlenecks Removals Program) and represent the most recent in a series of improvements that date back to the early 1990's.
- The seven Traffic Calming Improvement locations were identified and prioritized as part of the Neighborhood Traffic Management Program. Traffic Calming Improvements are designed to reduce cut-through traffic and increase safety for pedestrians in residential neighborhoods.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Chris Perkins, Public Works Project Coordinator, 480-312-7845, cperkins@scottsdaleaz.gov

35. [Revocable License Agreement for the Desert Center Program at La Mirada Park](#)

Request: Adopt Resolution No. 6494 authorizing License Agreement No. 2004-090-COS with the Desert Center at Pinnacle Peak for a desert center program designed to educate and inform the public about the Sonoran Desert.

Related Policies, References: Resolution No. 5601 authorizing License Agreement No. 2000-139-COS was adopted July 10, 2000.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Robin Rodgers, Asset Management Specialist, 480-312-2522, rrodders@scottsdaleaz.gov; Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov

***** 36. [Construction Bid Award for the Relocation of Arenas 6, 7 and 8 at WestWorld -- Continued](#)**

37. [Construction Bid Award for the WestWorld Restroom Facility](#)

Request: Authorize Construction Bid Award No. 04PB071 to the lowest responsive bidder, Ardavin Builders, Inc., at their unit price bid of \$447,600 for the construction of a restroom and shower facility at WestWorld.

Related Policies, References:

- Development Review Board approved Case No. 116-DR-93, #2, 3, and 4 in May 1994, which related to WestWorld entry signage, re-vegetation, and Western Theme Park design guidelines.
- The Planning Commission recommended approval of Case No. 20-ZN-1995 #2, the WestWorld Master Development Site Plan, on January 28, 2003. Council approved the WestWorld Master Development Site Plan on March 18, 2003.
- Development Review Board approved Case No. 41-DR-2003, WestWorld Design Guidelines, on July 10, 2003.
- Staff Approval Letter (9-SA-2004), February 9, 2004 – WestWorld Restroom Design
- Council approved Engineering Services Contract No. 2003-116-COS with Carter-Burgess on September 8, 2003 for the design of the restroom facility.

Staff Contact(s): Brad Gessner, WestWorld General Manager, 480-312-6825, bgessner@scottsdaleaz.gov; Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

38. [First Amendment to Smitty's/McDowell Village Redevelopment Agreement](#)

Request: Authorize Mayor to sign first amendment to Redevelopment Agreement No. 2003-160A-COS, between the City and RED Group – McDowell Village Holdings, LLC (Developer). The proposed amendments are technical and definitional clarifications to the Agreement reflecting the review by Red Group's new equity/lending partner OPUS West Corporation. The changes provide language that enables OPUS to use their construction lenders.

Related Policies, References:

- Council action to approve purchase of the site: January 21, 2001
- Council Direction to move forward with RFP process: July 1, 2002
- Council Action to grant exclusive right to Negotiate to RED Group, LLC: March 31, 2003
- Council Action granting extension of the Exclusive Right to Negotiate to RED Group, LLC: August 25, 2003
- Council Action on September 23, 2003 authorizing Mayor to sign Redevelopment Agreement, Contract No. 2003-160-COS, executed September 30, 2003
- Development Review Board approval for Senior Center and senior apartments: February 5, 2004

Staff Contact(s): David Roderique, Economic Vitality General Manager, 480-312-7601, droderique@scottsdaleaz.gov; Laurel Edgar, Revitalization Manager, 480-312-7313, ledgar@scottsdaleaz.gov

*****38A. [Contract for Legal Services regarding the proposed development of former Los Arcos Mall site in cooperation with Arizona State University Foundation](#)**

Request: Adopt Resolution No. 6516 authorizing the Mayor to execute Contract No. 2004-108-COS, an outside counsel contract in a maximum amount of Thirty Thousand Dollars (\$30,000.00) with the law firm of Mariscal Weeks McIntyre & Friedlander, PA, for legal services regarding representation of the City of Scottsdale.

Related Policies, References: Resolution No. 6516

Staff Contact(s): Joseph R. Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov

*****38B. [Scottsdale Waterfront - Amendment to Facilities and Easement Agreement](#)**

Request: Adopt Resolution No. 6526 authorizing contract number 2004-122-COS, an Amendment to "Facilities and Easement Agreement (Well #8B and Well #9B)" between the Arcadia Water Company, Scottsdale Waterfront L.L.C and the City of Scottsdale to:

- Grant Arcadia Water Company the Well #8B Truck Access Easement, the Well #8B Offsite Pipeline Easement, the Well #9B Offsite Pipeline Easement and the Via Soleri Future Well Site Offsite Pipeline Easement; and
- Approve Arcadia Water Company's use of the SRP License Area for ingress and egress to and from the Well #9B Site Area.

These requests for access and pipeline easements are necessary for Scottsdale Waterfront L.L.C. to initiate construction of the Waterfront project, located in the Southwest corner of Camelback and Scottsdale roads.

Item 38B is continued on the following page

Item 38B continued

Related Policies, References: October 2003 Infill Incentive District and Waterfront Development Agreement; October 2003 Tolling Agreement; PVD/Periphery Land Redevelopment Agreement, known as the Arcadia Water Company, Scottsdale Fashion Square Partnership, PVD Periphery Land and the City of Scottsdale; three amendments to this agreement between 1997-2001; and the 1993 Waterfront Redevelopment Plan.

Staff Contact(s): Ed Gawf, Deputy City Manager, 480-312-4510, egawf@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2659, bwashburn@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a comment card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

39. Horseman's Park Rezoning**Request:**

1. Rezone from Single Family Residential, Planned Community Development, Environmentally Sensitive Lands District (R1-35 PCD ESL) to Single Family Residential, Planned Community Development, Environmentally Sensitive Lands District (R1-5 PCD ESL) on a 2.9 +/- acre parcel north of the northeast corner of 98th Street and McDowell Mountain Ranch Road.
2. Adopt Ordinance No. 3559 affirming the above rezoning.

Location: North of the northeast corner of 98th Street and McDowell Mountain Ranch Road

Reference: 10-ZN-2003

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Kira Wauwie, Project Coordination Manager, 480-312-7061, kwauwie@scottsdaleaz.gov

40. Food-N-Things Liquor License

Request: A series 10 (beer and wine store) liquor license for a convenience store currently operating without a liquor license. Note: staff is recommending denial based on land use compatibility issues.

Location: 4995 N. Granite Reef Road

Reference: 32-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "public comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report**Mayor and Council Items****Adjournment**

Executive Sessions authorized by Arizona Revised Statutes 38-431.03 in the Kiva Conference Room, City Hall, at 4:00 P.M., or immediately following the 5:00 P.M. Meeting. Executive Sessions are posted at least twenty-four hours prior to such meetings.

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Tuesday agenda to the agenda for the Wednesday meeting.